



An ORDINANCE of PARDON and GRACE to the People of SCOTLAND.



His Highness the Lord Protector of the Commonwealth of England, Scotland, and Ireland, and the Dominions thereunto belonging, being desirous, that the mercies which it hath pleased God to give to this Nation, by the successes of their Forces in the late War in Scotland, should be improved for the good and advantage of both Nations, and the People of Scotland made equal sharers with those of England, in the present settlement of Peace, Liberty and Propertie, with all other Privileges of a Free People, Doth Ordain and Declare, And be it Ordained and Declared by His Highness the Lord Protector, with the consent of His Council, That all persons of the Scottish Nation, of what degree or quality soever they or any of them are (except the persons hereafter in this Ordinance particularly excepted) shall be, and are hereby, and from and after the first day of May, in the year, One thousand six hundred fifty four, Freed, Acquitted and Discharged, from all forfeitures, pains, penalties, mulcts, corrie, restraints, imprisonment or imprisonments, punishment or punishments whatsoever (other then is hereafter in this Ordinance expressed) for any by them, or any of them committed or done by Sea or Land, in relation to the late War, or any preceding Wars between the two Nations; And that afore said, there shall be from and after the said first day of May, afore said, no Sequestration, Confiscation, Fine, Penalty, Forfeiture or Punishment, them, or any of them, (otherwise than as is hereafter in this Ordinance expressed) but the same shall be put in perpetuall Oblivion. And personal of all persons of the Scottish Nation (except as is hereafter in this Ordinance excepted and provided) shall be, and shall be freed, discharged and acquitted, from all Sequestrations, Confiscations, Fines, Penalties, and Forfeitures whatsoever, for any matter committed or done, in relation to the afore said Wars between the two Nations. Out of this present Ordinance, and all benefit thereof, *Henrietta Maria*, the Relict and late Queen of the late King *Charles* Deceased; *James Stuart* their second son, and all the Honors, Mannors, Castles, Houses, Messuages, Forests, Chases, Parks, and Lands, and Royalties, Privileges, Franchises, Immunities, Rents, and Appurtenances to them, or any of them in Scotland, belonging or appertained or enjoyed by them, or any of them, as part or parcel thereof; and also all the Goods and Chattels, and all the Estates, both before belonging to the late King *Charles* Deceased, either in right of the Crown of Scotland, or in any other right or capacite, or to and late Queen of the said King, or unto *Charles Stuart* their eldest son, or *James Stuart* their second son, or unto any other the King *Charles*, or otherwise belonging unto them, or any of them, and which were in the actual seizin or possession of them, or any their Tenants, Agents, Servants, Trustees, Officers, or Ministers in their Right, and for their use, or in trust for them, or any of them, on the first day of March, in the year of our Lord, One thousand six hundred twenty and five, or at any time since, or for which they, or any of them, received the profits, or might, or ought to have received the same in the year afore said, or at any time since, and all reversions or remainders of any Estate or Estates, to them, or any of them belonging or appertaining, and that free from all manner of Estates, Titles, Interests, Debts, Charges, and Incumbrances whatsoever, wherewith the said Lands or premises, or any of them stand or stood charged or chargeable with, or are pretended to stand charged or chargeable with, at any time since the first day of May, One thousand six hundred forty two, and not before. And also excepted out of this present Ordinance, and all benefit thereof, *James* late Duke of *Hamilton*, deceased, *William* late Duke of *Hamilton*, deceased, *John* Earl of *Crawford-Lindsey*, *James* Earl of *Calender*, *Earl Marshall*, *Earl of Kelsey*, *John* Earl of *Lawderdail*, *John* Earl of *Lowdown*, *Earl of Seaforth*, *Earl of Athol*, *Viscount Kenmure*, *Lord Lorne*, eldest son of the Marquise of *Argile*, *Lord Machlin*, eldest son of *Lord Cranston*, *Lord Sinclair*, *Thomas Dalrymple*, late Major General of the Foot in the Scottish Army, *John Middleton*, late Lieutenant General of the Horse in the Scottish Army, *James Viscount Newburgh*, *Lord Bargany*, *Sir Thomas Thomson*, *James Edmeston*, *Lord Napier*, *William Earl of Glencairn*, or any of them, and which were in the actual seizin or possession of them, or any of them, on the eighteenth day of April, in the year of our Lord, One thousand six hundred forty eight, or at any time since, or for which they, or any of them, have of right been answered the profits, or might or ought to have received the same, at the time afore said, or at any time since, and all Reversions or remainders of any Estate or Estates, to them, or any of them belonging, or appertaining, and that free from all and all manner of Estates, Titles, Interests, Debts, Charges, and Incumbrances whatsoever, wherewith the said Lands and premises or any of them, stand, or stood charged or chargeable with, or are pretended to stand charged or chargeable with, by force of any Act or Acts, Deed, Grant, or other thing done by any of the Persons before named, at any time since the said eighteenth day of April, One thousand six hundred forty eight, and not before. And also excepted out of this present Ordinance, and all benefit thereof, all the Estate, right, interest, claim and demand, of *James Lord Mordington*, of, in, or to, the Maudlain Field, Dunck, Cony-garth, Constables-Batt, Two Water-mills, and a Wind-mill lying within *Barnwick* bounds. And also excepted out of this present Ordinance, and all benefit thereof, all and all manner of Estates, Titles, Interests, Debts, Charges, and Incumbrances whatsoever, claimed out of any the Estate, or Estates of any of the persons excepted as afore said, or of any other person or persons as sureties for them, or any of them, by, for, or in right, and to the use of any Person or Persons whatsoever, who sitting as a Member or Members of the late Parliament of Scotland, in the Year, One thousand six hundred forty eight, did not protest in the great Protestation made in the said Parliament, against the proceedings of the said Parliament, by which the Army was raised under *James Duke Hamilton*, or that Invaded England with the said *James Duke Hamilton*, in the said year, or that sate in the late Parliament, or Committee of Estates of Scotland, from and after the Coronation of *Charles Stuart*, in the year, One thousand six hundred fiftie and one, or that since the Battle of *Dunbar*, on the third day of September, One thousand six hundred and fiftie,

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served in Arms in Scotland under the said *Charles Stuart*, or any Commissioned by him, or his Authority, or that invaded England with the said *Charles Stuart*, or any of his Forces, in the said year, One thousand six hundred fiftie and one, which said Estates, Titles, Interests, Debts, Charges and Incumbrances, are by Authority aforesaid, released, and discharged (such onely excepted, who have deferred the said *Charles Stuart*, and not born Arms against the Parliament, since the said third day of September, One thousand six hundred and fiftie; as also such whose merits and services to this Commonwealth, have rendered them capable of being taken into a more favourable consideration by his Highnesse.)

Provided alwayes, And be it Ordained, That all and every Person and Persons whatsoever, claiming any Estate, Title, Interest, Debts, Charge or Incumbrance, out of any the Estate or Estates, excepted as aforesaid, do and shall within threescor dayes after Publick Proclamation made of this Ordinance, in the Countie where the Person making such claim doth live, enter his and their respective claims, with *John Swinton*, of *Swinton* Esq; *William Lawrence*, Esq; *George Smith*, Esq; *Sir James Mac-Dowel* of *Garthland*, *Samuel Disbrow*, *John Thompson*, Esquires, or any three of them, and make the truth and reality of them sufficiently appear unto the said *John Swinton*, *William Lawrence*, *George Smith*, *Sir James Mac-dowel*, *Samuel Disbrow*, and *John Thompson*, or any three of them, within four Moneths after such entry made, and obtain from them or any three of them a Certificate of their allowance of such Claim and Claims, and that in default thereof, the said Estates, Titles, Interests, Debts, Charges, and Incumbrances, be, and the same are hereby Declared, as well to Sureties as Principals, discharged, and made null and void; Provided also that all and every the Debts, Charges, and Incumbrances, upon all and every the Estate and Estates aforesaid, which shall be to allowed, shall be paid and satisfied by such wayes, and in such manner onely, as shall be hereafter Declared and appointed by his Highnesse the Lord Protector, by and with the consent of his Council. And it is further Ordained by the Authority aforesaid; That Lands of the clear yearly value of four hundred pounds sterling, over and above all charges, and reprises, be settled upon the Lady *Anne Hamilton*, eldest Daughter of the said *James Duke Hamilton*, and her Heirs, charged with the payment of the yearly Rent of twenty pounds Sterling, to His Highnesse the Lord Protector, and his Successors for ever. And that Lands of the yearly value of two hundred pounds Sterling, over and above all charges and reprises, be settled upon the Lady *Susan Hamilton*, one other of the Daughters of the said *James Duke Hamilton*, and her Heirs, out of the Estate of the said *James* and *William* late Duke *Hamilton*, charged with the payment of the yearly Rent of ten pounds Sterling, to his Highnesse the Lord Protector and his Successors for ever. And that Lands of the yearly value of four hundred pounds Sterling, over and above all charges and reprises, be settled upon *Elizabeth Duthes* of *Hamilton* Widow, and Relict of *William* late Duke *Hamilton* deceased, for term of her naturall life, and after her decease, to the four Daughters of the said *William*, by the said Duthes, to be equally divided amongst them, and to their Heirs for ever, out of the Estate of the said *William* or of *James* late Duke *Hamilton*, charged with the payment of the yearly Rent of twenty pounds Sterling, to His Highnesse the Lord Protector and his Successors for ever. And that Lands of the clear yearly value of four hundred pounds Sterling, over and above all charges and reprises, be likewise settled out of the Estate of the said *John Earl Crawford*, upon

Countesse of *Crawford* his now Wife for her life, and after her decease, upon the issue of her body, by the said Earl begotten, and their Heirs, charged with the payment of the yearly Rent of twenty pounds Sterling, to His Highnesse the Lord Protector and his Successors for ever. And that Lands of the clear yearly value of four hundred pounds Sterling, over and above all charges and reprises, be settled upon

Countesse of *Lowdown* and her Heirs for ever, out of the Estate of the said *John Earl of Lowdown*, charged with the payment of the yearly Rent of twentie pounds Sterling, to his Highnesse the Lord Protector and his Successors for ever: She the said Countesse of *Lowdown* accepting thereof, in lieu of all Joynture, Dower, or any other Interest or Title she hath, or may claim, in possession, reversion, or remainder of, in, or to the Estate of the said *John Earl of Lowdown*, or

Lord *Marshall*, or of either of them, or by them, or either of them, claimed in right of the said Countesse, and releasing the same by the time hereafter in this Ordinance appointed, and in such manner as is herein directed; which release shall be good and effectually in Law, to bar the said

Countesse of *Lowdown* and her Heirs. And be it further Ordained, That the Countesse of *Calender*, shall hold and enjoy all and every the Lands, Tenements, and Hereditaments, conveyed for her Joynture, from

late Earl of *Dumfries*, her former Husband. And that Lands of the clear yearly value of two hundred pounds Sterling, over and above all charges and reprises, be settled upon *Mary* eldest Daughter of

Earl *Marshall*, viz. *Elizabeth*, *Isabel*, and *Jane*, and their Heirs respectively, out of the Estate of the said

Earl *Marshall*, excepted as aforesaid, charged with the payment of the yearly Rent of thirty two pounds ten shillings Sterling, unto his Highnesse the

Lord Protector and his Successors for ever, to be apportioned in the Grants of the respective Lands rateably. And that Lands of the clear yearly value of three hundred pounds Sterling, over and above all reprises, be settled upon

Countesse of *Lowardale*, and the Heirs of the Body of *John Earl of Lowardale*, excepted as aforesaid, charged with the payment of the yearly Rent of fifteen pounds Sterling, to His Highnesse the Lord Protector and his Successors for ever. And that Lands of the clear yearly value of two hundred pounds Sterling, over and above all reprises, be settled upon the now wife of the said

Lord *Crawston*, and the Heirs of the Body of the said

Lord *Crawston*, of the Body of his said Wife begotten, or to be begotten, out of the Lands and Estates of the said

Lord *Crawston*, excepted as aforesaid, charged with the payment of the yearly Rent of ten pounds Sterling, unto His Highnesse the Lord Protector, and his Successors for ever. And that Lands of the clear yearly value of two hundred and fifty pounds Sterling, over and above all reprises, be settled upon the

now Wife of

Lord *Bargany*, and the Heirs of the Body of the said

Lord *Bargany*, on the body of his said now Wife begotten, or to be begotten, out of the Lands and Estate of the said

Lord *Bargany*, excepted as aforesaid, charged with the payment of the yearly Rent of twelve pounds and ten shillings Sterling money, unto his Highnesse the Lord Protector, and his Successors for ever. And that Lands, of the clear yearly value of one hundred and twenty pounds Sterling, over and above all reprises, be settled upon the now Wife of the said *Sir Thomas Thompson*, and the Heirs of the said *Sir Thomas Thompson*, of the Body of his said now Wife begotten, or to be begotten, out of the Estate of the said *Sir Thomas Thompson*; excepted as aforesaid, charged with the yearly Rent of six pounds, to be paid unto His Highnesse the Lord Protector, and his Successors for ever. Provided that before any such settlement shall be made unto any the Persons above mentioned, out of the Lands excepted by this Ordinance, or that any of the said Persons shall be permitted to enjoy any benefit by any the clauses aforesaid, all and every the said Person and Persons, being the now Wife, Child, or Children of any the Persons excepted and excluded from the benefit of this Ordinance, shall before the five and twentieth day of December, which shall be in the year of our Lord, One thousand six hundred fiftie four, by Deed, under her or their Hands and Seals respectively, Release all her and their Claim, Title, and demand of Dower, Joynture, and other Interest in possession, reversion, or remainder, of, in, or to all and every the Lands, Tenements, and Hereditaments, of the Husband or Father of such Person releasing; And that all and every such release, being attested under the Hands of two credible Witnesses, and delivered unto the Persons before in this Ordinance appointed to receive and determine claims, or any three of them, shall be, and is, and are hereby Declared to be valid and effectually in Law, to bar such Person and Persons so releasing, from claiming any Right, Title, Interest or demand, of, in, or to all and every the Lands, Tenements, and Hereditaments, of the Husband or Father of such Person or Persons releasing notwithstanding the coverture, minority, infancy, or other disability of the Person or Persons so releasing, other then such as shall be settled upon her or them, in pursuance of the Provision aforesaid. And in default of such release, to be made as aforesaid, all and every the Person and Persons aforesaid, so making default, shall be from thenceforth for ever debarred, and excluded from any benefit or advantage by this Ordinance, or any thing therein contained.

Provided also that all and every the Lands and Estate which shall by force of this Ordinance be set out and settled, as aforesaid, for the provision of the Wife or Children of any the Persons excepted, as aforesaid, shall nevertheless be liable unto the satisfaction of the just and proper Debts of the respective Person and Persons, out of whose Estate the same is so settled (in case all the rest of his or their respective Estate and Estates shall not be sufficient to satisfy the said respective Debts,) so far forth and in such manner as shall be hereafter Declared and appointed by His Highnesse the Lord Protector by and with the consent of his Council.

Provided also, and it is further Ordained, that the several Persons hereafter named, do pay unto His Highnesse the Lord Protector his Publick Receipt, the several respective summes of mony hereafter mentioned and expressed, as a fine and fines, for and in respect of his and their estate and estates, to be paid in such manner, and at such times, as is hereafter in this Ordinance expressed, that is to say, *David Lesley*, late Lieutenant-General of the Scottish Army, four thousand pounds sterling.

Marquesse of *Douglas*, One thousand pounds sterling. Lord *Angus*, eldest son to the Marquesse of *Douglas*, one thousand pounds sterling.

Earl of *Selraig*, one thousand pounds sterling. The Heir of *Francis* late Earl of *Bucleugh* deceased, Fifteen thousand pounds sterling. Earl of *Galloway*, Four thousand pounds sterling. *William* Earl of *Roxburgh*, six thousand pounds sterling. *William* Lord *Cockram*, Five thousand pounds sterling. *James* Lord *Forrester*, two thousand five hundred pounds sterling. *Philip Amstruther*, son of *Sir Robert Amstruther*, one thousand marks sterling. *Sir Archibald Sterling* of *Carden*, one thousand five hundred pounds sterling. *James Drummond* of *Mackensy*, Five hundred pounds sterling. *Henry Maw*, son to the Earl of *Panmure*, two thousand five hundred pounds sterling. *Sir James Levingston* of *Kilsith*, one thousand five hundred pounds sterling. *William Murrey* of *Polemaise*, one thousand five hundred pounds sterling.

Earl of *Buchane*, one thousand pounds sterling. Viscount *Dudope*, one thousand five hundred pounds sterling. *Preston* of *Craigmillier*, one thousand five hundred pounds sterling. *Sir Andrew Flesher* of *Inner-Pether*, Five thousand pounds sterling. *Sir John Wanchab* of *Nethery*, two thousand pounds sterling. Earl of *Perth*, and Lord *Drummond* his eldest son, Five thousand pounds sterling. Earl of *Winton*, two thousand pounds sterling. Earl of *Findlater*, one thousand five hundred pounds sterling. Earl of *Murrey*, three thousand five hundred pounds sterling. Earl of *Quinsburgh*, four thousand pounds sterling. Earl of *Eithy*, six thousand pounds sterling. Lord *Duffus*, one thousand five hundred pounds sterling. Lord *Grey*, one thousand five hundred pounds sterling. *Sir Henry Nisbit*, one thousand pounds sterling. Earl of *Panmure*, ten thousand pounds sterling. Laird of *Lundee*, one thousand pounds sterling. Earl of *Arroll*, two thousand pounds sterling. Earl of *Tullibardine*, one thousand five hundred pounds sterling. Earl of *Southesk*, three thousand pounds sterling. Earl of *Dalhousie*, one thousand five hundred pounds sterling. Earl of *Hartfield*, two thousand pounds sterling. *William Lord Ross*, three thousand pounds sterling. Lord *Sample*, one thousand pounds sterling. Lord *Elphinston*, one thousand pounds sterling. Lord *Boyd*, one thousand five hundred pounds sterling. *James Lord Cooper*, three thousand pounds sterling. Lord *Balvaire*, one thousand five

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three thousand five hundred pounds sterling.
Lord Dufferin, one thousand five hundred pounds sterling.
Earl of Devonshire, two thousand pounds sterling.
Earl of Albemarle, four thousand pounds sterling.
Lord Grey, one thousand five hundred pounds sterling.
Earl of Portland, ten thousand pounds sterling.
Earl of Lincoln, one thousand five hundred pounds sterling.
Earl of Derby, one thousand five hundred pounds sterling.
Earl of Arundel, one thousand five hundred pounds sterling.
Earl of Sussex, one thousand five hundred pounds sterling.
Earl of Kent, one thousand five hundred pounds sterling.
Earl of Gloucester, one thousand five hundred pounds sterling.
Earl of Cornwall, one thousand five hundred pounds sterling.

Lord Buxton, one thousand five hundred pounds sterling.
Lord Weymouth, one thousand five hundred pounds sterling.
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Lord Weymouth, one thousand five hundred pounds sterling.

hundred pounds sterling.

Earl of Kinkardine, one thousand pounds sterling.

Sir Robert Graham, of Morphee, one thousand pounds sterling.

Nachton, one thousand pounds sterling.

of Ferney, two thousand pounds sterling.

Scot of Montrosse, three thousand pounds sterling.

thousand pounds sterling. Sir John Scot of Scots-Tarbut, one thousand five hundred pounds sterling.

one thousand pounds sterling. Lieutenant Collonel Elliot of Stebbs, one thousand pounds sterling. Sir Lewis Stuart, Advocate, one thousand pounds sterling. Patrick Scot of Thirlestane, two thousand pounds sterling. Sir James Cairnecghill, two thousand pounds sterling. Sir George Morison of Preston-Grange, two thousand pounds sterling.

ceased, two thousand pounds sterling. All and every which sum and sums of money, shall be paid unto George Bilton, Deputy Treasurer at Leith, one moye- tie thereof, on, or by the second day of August, One thousand six hundred fifty four; and the other moye tie, on, or by the second day of December, then next ensuing; and in default of such payment, all and every the real and personall Estate of every person and persons so making default, shall from thenceforth be absolutely confiscate; and the Commissioners for Sequestrations are hereby impowred to seiz the same accordingly.

Provided alwayes, and it is Ordeined and Declared by the Authority aforesaid, That this Ordinance or any thing therein contained, shall not extend, or be construed to extend to the restoring or reviving of any Lordship, Dominion, Jurisdiction, Tenure, Superioritie, or any things whatsoever, taken away and abolished by one other Ordinance; Entituled, *An Ordinance for Uniting SCOTLAND into one Common-wealth with ENGLAND.*

Excepted and also reserved out of this present Ordinance, and all benefit thereof, all and every other person and persons, not herein before named or expressed, that hath, or have been at any time since the first day of May, one thousand six hundred fifty and two, or now is, or are in Arms in Scotland, in opposition to this Commonwealth, Saving and reserving, to all person and persons whatsoever, excepted out of this Ordinance, all benefits and advantages of any Articles of War, to them granted by His Highnesse, the now Lord Protector, as Generall of all the Forces of this Commonwealth, or any other, by Virtue of any Authority from him derived, any thing in this Ordinance contained to the contrary thereof in any wise notwithstanding.

Provided alwayes, and be it further Ordeined, That this Ordinance, or any thing therein contained, shall not extend, nor be construed to extend, to the freeing or discharging of any Prisoner or Prisoners of War, from their respective imprisonments, or to the cancelling or discharging of any Surety, Bond, Paroll, or Engagement, of, or for any Prisoner at War, without the special Order of His Highnesse the Lord Protector, or whom he shall appoint.

Provided also, That this Ordinance, or any thing therein contained, shall not extend, nor be construed to extend to the confirming of any Patent, Gift, or Grant made by the late King James, or the late King Charles, whereby any Rent or other duty or Revenew belonging to the Crown of Scotland, hath, contrary to the Law of Scotland been altered, changed, converted or diminished; but that all and every such Rent, Dutie and Revenew, shall remain, and be paid in kind unto the Lord Protector, and his Successors in the same manner, as the same were paid before any such Patent, Gift, or Grant made.

Wednesday 12. April, 1654.

Ordered by His Highnesse the LORD PROTECTOR and the COUNCIL, that this Ordinance be forthwith printed and published.

Henry Scobel, Clerk of the Council.

Printed at London, and re-printed at Leith, 1654.

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